

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Iris G. Jackson,

Plaintiff,

v.

Palmetto Baptist Hospital,

Defendant.

C/A No. 3:05-1901-CMC-BM

OPINION AND ORDER

Plaintiff, proceeding *pro se*, filed this action presumably under 42 U.S.C. § 1983 complaining about the treatment she received when she was admitted to the psychiatric wing of Defendant Palmetto Baptist Hospital and administered sedatives without her permission. Defendant filed a motion to dismiss for lack of jurisdiction. The court advised Plaintiff of the importance of filing a response to the motion and explained the procedures for doing so. The court further advised Plaintiff that if she failed to respond adequately, Defendant's motion may be granted, thereby ending the case.

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b), (d), and (e), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation on any pending dispositive matters.

In his Report, the Magistrate Judge recommended that Defendant's motion to dismiss be **granted**, and that Plaintiff's claims asserted under § 1983 be **dismissed**, without prejudice. The Magistrate Judge further recommended that any remaining state law claims which Plaintiff has or may have intended to assert in this action also be **dismissed**, without prejudice.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of

any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if she failed to do so. Plaintiff has filed objections.

The court has carefully reviewed Plaintiff's response to the Report and Recommendation and has concluded that Plaintiff's objections lack merit. After considering the motion, the objections, the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

IT IS THEREFORE ORDERED that Defendant's motion to dismiss is **granted**; and that this action is *dismissed, without prejudice*.

IT IS FURTHER ORDERED that any remaining state law claims which Plaintiff has or may have intended to assert in this action also are *dismissed, without prejudice*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
November 17, 2005